

SUPPORT FOR AMENDMENTS

The amendment to Claim 1 is supported at, e.g., page 5, line 11. No new matter has been entered.

REMARKS

Applicants would like to thank Examiner Huang for the helpful and courteous interview held October 4, 2002.

As discussed, Applicants generally traverse the obviousness rejection set out in the Official Action, in essence for the same reasons submitted during proceedings in Japan.¹ However, after some discussion at the Interview and after a review of the evidence already submitted by Applicant showing surprising and unexpected results, it was decided that the best way to proceed would be to point out this data in further detail and amend pending Claim 38 such that the molecular weight of the wax is between 200 and 1,000. As noted by the above amendment, this has been done, as agreed, and Claim 38 has been limited to a molecular weight of between 200 and 1,000.

Further as discussed, Applicants attach hereto the Declaration of Mr. Pascal Arnaud, the first-named inventor on the above-identified application. This Declaration points out in detail data previously submitted in the form of an IDS, which has already been reviewed by Examiner Huang. However, the Declaration points out with particularity Examples and Comparative Examples showing tests both within and outside of the presently pending

¹As discussed at the interview, the rejection set out in the Examiner's communication closely resembles a rejection made in Japan. One argument submitted there concerns the fact that, e.g., the low molecular weight wax document suggests several diverse uses for the waxes such as in chewing gum, etc., but not in cosmetics.

claims. While it was clear from Applicants' discussion with Examiner Huang that she has closely reviewed all of the information submitted thus far in the several IDSs, this Declaration serves to focus on data that describes the benefits of the presently claimed composition. For convenience, the data referred to in the Declaration is attached to the Declaration at various tabs so that Examiner Huang does not have to locate the information separately in an IDS.

One item that should be noted is that portion of the Declaration where Mr. Arnaud explains a discrepancy in identifying the molecular weight of certain polyethylene waxes. At the interview with Examiner Huang it was quite clear that she had reviewed the documents submitted in this case, as she pointed out that data had been submitted indicating poor results at a molecular weight of 1,500. However, and as explained in paragraphs 19-21 of the attached Declaration, Mr. Arnaud was under the impression that the molecular weight of wax AC 617A was 1,500. However, manufacturer information from Allied Chemical, attached to the Declaration at Tab J, indicates that AC 617A has a molecular weight of 2057, outside the scope of the pending claims. Applicants appreciate Examiner Huang's close review in this case, and the opportunity to clarify this issue.

As set forth in the other paragraphs of the Declaration, the presently claimed invention provides cosmetically acceptable, homogeneous compositions with compatible ingredients and thereby provides several benefits. For example, the compatibility provided by the presently claimed invention enables the production of cosmetic compositions containing desirable waxes and oils without the need for a co-solvent to make the ingredients compatible. This lack of a need for co-solvents simplifies production, and the compatibility of the presently claimed components enables the production of cosmetic products without being limited by restrictive ranges or proportions of wax and silicone oil. As noted

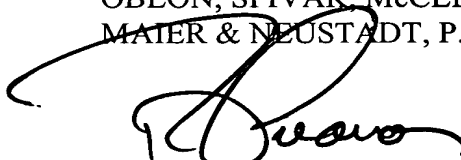
specifically in the Declaration, the particular claimed combination of low molecular weight ethylene polymer wax and phenylated silicone oil possesses such beneficial compatibility and homogeneity properties, that the results were unexpected and surprising at the time of the invention, in view of the prior art.

Accordingly, and in view of the personal interview in the above-identified case, the above amendment limiting the molecular weight range to 1,000, and the evidence of surprising and unexpected advantages submitted previously and detailed in the attached Declaration, Applicants respectfully submit that this case now is in condition for allowance. A Notice of Allowance is earnestly solicited.

Finally, Applicants attach hereto a copy of the Revocation and New Power of Attorney previously filed naming the Oblon, Spivak firm as attorney of record. The Office is requested to update its records, at the last Official Action was sent to the previous firm.

Respectfully submitted,

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MAIER & NEUSTADT, P.C.



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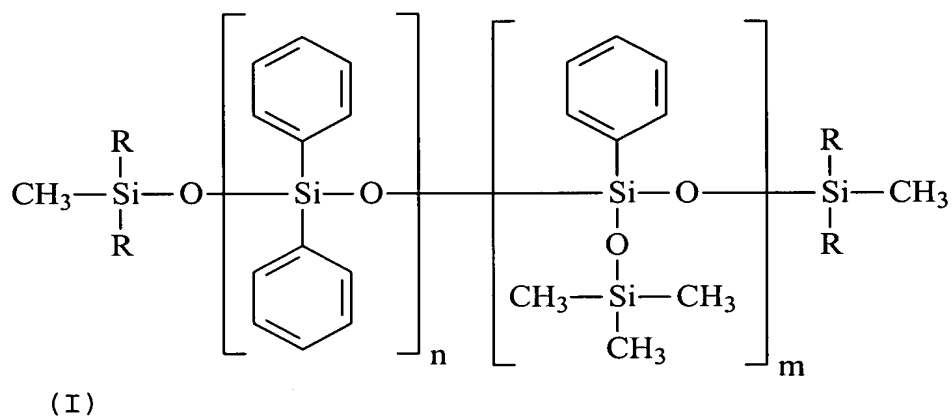
Amendment Filed on: Herewith

IN THE CLAIMS

Please amend Claim 38 as follows.

--38. (Once Amended) A silicone oil-based anhydrous cosmetic or dermatological composition comprising a homogeneous fatty phase, said fatty phase comprising a mixture of:

(i) at least one silicone oil, in an amount ranging from 5 to 97% of the total weight of said fatty phase, having the formula:



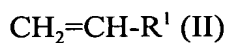
wherein:

R represents alkyl having 1 to 30 carbon atoms, aryl or aralkyl,

n represents a whole number between 0 to 100, and

m represents a whole number between 0 and 100, provided that the sum of $n + m$ is between 1 and 100; and

(ii) a wax in an amount ranging from 3 to 50% by weight based on the total weight of said fatty phase, having a melting point between 50 and 135°C, said wax being a homopolymer or copolymer having a molecular weight between 200 and [1,500] 1,000 and being selected from the group consisting of ethylene homopolymers and copolymers of ethylene with a monomer having the formula:



wherein:

R' represents alkyl having 1 to 30 carbon atoms or aryl.--

Claims 72, 73, 74 and 75. (Canceled).